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10/785,420	02/23/2004	Rutger van Dalen	DECLER89.001C1	8607
29995 7590 03/28/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
PATEL, HARESH N				
ART UNIT		PAPER NUMBER		
2154				
NOTIFICATION DATE		DELIVERY MODE		
03/28/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

10/785,420

Applicant(s)

DALEN, RUTGER VAN

Examiner

Haresh N. Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6 is/are pending in the application.
4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 9/21/07
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-3, 6 are subject to examination. Claims 4, 5 are withdrawn.

Priority

2. Applicant's claim for PCT/EP02/09035 and foreign priority EPO 01870183.9 under 35 U.S.C. 119(a)-(d) or (f), is acknowledged.
3. Applicant's election without traverse of Group I invention in the reply filed on 1/17/08 is acknowledged.

Drawings

4. New corrected drawings are required in this application because the submitted figures contain unreadable small characters. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled -- Replacement Sheet-- in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

5. An initialed and dated copy of the applicant's IDS form 1449, is attached to the instant Office action, please see attachments section of the attached form PTO-326 containing paper dates.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 3 is rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. The claim 3 is software per se that is not tangibly embodied in a computer storage medium such as memory, etc., and does not utilize processor for execution and therefore lacks a practical application because it alone cannot produce its intended outcome.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(c) as being anticipated by Narasimhan et al. 6,446,192 (Hereinafter Narasimhan).

9. Referring to claim 1, Narasimhan discloses a method of transferring generic data acquired at a remote location to a central database based on e-mail communication (e.g., col., 5), comprising: encapsulating the acquired data in an electronic mail message (e.g., col., 5); sending the electronic mail through a public or private network to a central database server without use of gateway architecture by providing an architecture for Internet communication software for embedded platforms (e.g., col., 6), wherein the architecture is based on a network of software multiplexers and demultiplexers controlled by an integrated protocol engine (e.g., col., 6); extracting the data from the electronic mail message by the central database server (e.g., col., 7); and storing the extracted data in the central database (e.g., col., 7).

10. Referring to claim 2, Narasimhan discloses a device for transferring generic data acquired at a remote location to a central database based on e-mail communication (e.g., col., 5), the device comprising: means for encapsulating the acquired data in an electronic mail message at the remote location (e.g., col., 5); means for sending the electronic mail through a public or private network to a central database server (e.g., col., 6), wherein the acquired data is communicated to the database server without use of gateway architecture (e.g., col., 6), wherein the acquired data is communicated using an architecture for Internet communication software for embedded platforms (e.g., col., 7), and wherein the architecture for Internet communication

software for embedded platforms is based on a network of software multiplexers and demultiplexers, controlled by an integrated protocol engine (e.g., col., 7).

11. Referring to claim 3, Narasimhan discloses a computer program for transferring generic data acquired at a remote location to a central database based on e-mail communication (e.g., col., 5), configured to perform a method comprising: extracting data from an electronic mail message (e.g., col., 5); and storing the extracted data in the central database, wherein the acquired data is communicated to the database server without use of gateway architecture (e.g., col., 6), wherein the acquired data is communicated using an architecture for Internet communication software for embedded platforms (e.g., col., 7), and wherein the architecture for Internet communication software for embedded platforms is based on a network of software multiplexers and demultiplexers, controlled by an integrated protocol engine (e.g., col., 7).

12. Referring to claim 6, Narasimhan discloses wherein the database server configures and manages the device according to a method comprising: configuring the device to receive electronic mail messages from a mailbox at the server by means of the POP3 protocol, (e.g., col., 7) wherein the messages contain configuration data (e.g., col., 7); and evaluating the messages by the device (e.g., col., 7), and adjusting the locally stored configuration settings (e.g., col., 8), wherein the messages are communicated without use of a gateway architecture to the device by providing the architecture for Internet communication software for embedded platforms (e.g., col., 8).

13. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Horbal et al. 6,112,246 (Hereinafter Horbal).

14. Referring to claim 1, Horbal discloses a method of transferring generic data acquired at a remote location to a central database based on e-mail communication (e.g., col., 3), comprising: encapsulating the acquired data in an electronic mail message (e.g., col., 3); sending the electronic mail through a public or private network to a central database server without use of gateway architecture by providing an architecture for Internet communication software for embedded platforms (e.g., col., 4), wherein the architecture is based on a network of software multiplexers and demultiplexers controlled by an integrated protocol engine (e.g., col., 4); extracting the data from the electronic mail message by the central database server (e.g., col., 5); and storing the extracted data in the central database (e.g., col., 5).

15. Referring to claim 2, Horbal discloses a device for transferring generic data acquired at a remote location to a central database based on e-mail communication (e.g., col., 3), the device comprising: means for encapsulating the acquired data in an electronic mail message at the remote location (e.g., col., 3); means for sending the electronic mail through a public or private network to a central database server (e.g., col., 4), wherein the acquired data is communicated to the database server without use of gateway architecture (e.g., col., 4), wherein the acquired data is communicated using an architecture for Internet communication software for embedded platforms (e.g., col., 5), and wherein the architecture for Internet communication software for

embedded platforms is based on a network of software multiplexers and demultiplexers, controlled by an integrated protocol engine (e.g., col., 5).

16. Referring to claim 3, Horbal discloses a computer program for transferring generic data acquired at a remote location to a central database based on e-mail communication (e.g., col., 3), configured to perform a method comprising: extracting data from an electronic mail message (e.g., col., 3); and storing the extracted data in the central database, wherein the acquired data is communicated to the database server without use of gateway architecture (e.g., col., 4), wherein the acquired data is communicated using an architecture for Internet communication software for embedded platforms (e.g., col., 5), and wherein the architecture for Internet communication software for embedded platforms is based on a network of software multiplexers and demultiplexers, controlled by an integrated protocol engine (e.g., col., 5).

17. Referring to claim 6, Horbal discloses wherein the database server configures and manages the device according to a method comprising: configuring the device to receive electronic mail messages from a mailbox at the server by means of the POP3 protocol, (e.g., col., 5) wherein the messages contain configuration data (e.g., col., 5); and evaluating the messages by the device (e.g., col., 5), and adjusting the locally stored configuration settings (e.g., col., 6), wherein the messages are communicated without use of a gateway architecture to the device by providing the architecture for Internet communication software for embedded platforms (e.g., col., 6).

18. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(c) as being anticipated by Boudou et al. 6,839,756 (Hereinafter Boudou).

19. Referring to claim 1, Boudou discloses a method of transferring generic data acquired at a remote location to a central database based on e-mail communication (e.g., col., 6), comprising: encapsulating the acquired data in an electronic mail message (e.g., col., 6); sending the electronic mail through a public or private network to a central database server without use of gateway architecture by providing an architecture for Internet communication software for embedded platforms (e.g., col., 7), wherein the architecture is based on a network of software multiplexers and demultiplexers controlled by an integrated protocol engine (e.g., col., 7); extracting the data from the electronic mail message by the central database server (e.g., col., 8); and storing the extracted data in the central database (e.g., col., 8).

20. Referring to claim 2, Boudou discloses a device for transferring generic data acquired at a remote location to a central database based on e-mail communication (e.g., col., 6), the device comprising: means for encapsulating the acquired data in an electronic mail message at the remote location (e.g., col., 6); means for sending the electronic mail through a public or private network to a central database server (e.g., col., 7), wherein the acquired data is communicated to the database server without use of gateway architecture (e.g., col., 7), wherein the acquired data is communicated using an architecture for Internet communication software for embedded platforms (e.g., col., 8), and wherein the architecture for Internet communication software for

embedded platforms is based on a network of software multiplexers and demultiplexers, controlled by an integrated protocol engine (e.g., col., 8).

21. Referring to claim 3, Boudou discloses a computer program for transferring generic data acquired at a remote location to a central database based on e-mail communication (e.g., col., 6), configured to perform a method comprising: extracting data from an electronic mail message (e.g., col., 6); and storing the extracted data in the central database, wherein the acquired data is communicated to the database server without use of gateway architecture (e.g., col., 7), wherein the acquired data is communicated using an architecture for Internet communication software for embedded platforms (e.g., col., 8), and wherein the architecture for Internet communication software for embedded platforms is based on a network of software multiplexers and demultiplexers, controlled by an integrated protocol engine (e.g., col., 8).

22. Referring to claim 6, Boudou discloses wherein the database server configures and manages the device according to a method comprising: configuring the device to receive electronic mail messages from a mailbox at the server by means of the POP3 protocol, (e.g., col., 8) wherein the messages contain configuration data (e.g., col., 8); and evaluating the messages by the device (e.g., col., 8), and adjusting the locally stored configuration settings (e.g., col., 8), wherein the messages are communicated without use of a gateway architecture to the device by providing the architecture for Internet communication software for embedded platforms (e.g., col., 8).

Conclusion

In order to expedite the prosecution of this case, multiple references are used for the rejections to demonstrate that several references disclose the claimed subject matter of the claims.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

Primary Examiner, Art Unit 2154

2/14/08